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EXAMINER

ASHBURN, STEVEN L

ART UNIT	PAPER NUMBER
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3714

9

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,927

Applicant(s)

SHARPLESS ET AL.

Examiner

Steven Ashburn

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-11, 16-36 and 44-89 is/are rejected.
- 7) ☒ Claim(s) 12-15 and 37-43 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5</u> .                                                                   | 6) <input type="checkbox"/> Other: _____                                    |

***DETAILED ACTION***

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-7, 9, 16, 17, 24, 73-76 and 84-89 are rejected under 35 U.S.C. 102(b) as being anticipated by Pease et al., U.S. Patent 5,855,515 (Jan. 5, 1999).**

Pease disclose a progressive gaming system with wide applicability to a potentially large number of players is provided. *See abstract*. As listed below, the claims are unpatentable because Pease anticipates every feature.

Claim 1 and 73: Pease teaches the following features:

- a. Initiating a collective bonus round. *See fig. 2B, col. 7:24-8:5.*
- b. Generating a plurality of entries for the shared bonus game. *See col. 7:30-35.*
- c. Detecting a bonus game trigger. *See col. 7:48-58.*

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- d. Executing the shared bonus game. *See 8:6-34.*
- e. Randomly selecting a winning entry from among the plurality of entries. *See 8:20-23.*
- f. Providing a payout for the winning entry. *See 8:25-28.*

Claim 2: Pease teaches initiating a bonus round by receiving a message indicating that at least one gaming device is in a collective bonus round mode for play of the shared bonus game. *See fig. 2B; col. 7:30-35.*

Claim 3: Pease teaches receiving a message indicating that a gaming device is in collective bonus round mode comprises receiving a message after polling the plurality of gaming devices. *See col. 7:24-26.*

Claim 4: Pease teaches receiving requests via the Internet to initiate the collective bonus round mode. *See fig. 1(142a,b); coll. 4:18-25; 11:7-20.*

Claim 5: Pease teaches the following features:

- a. Tracking activity on each of the gaming devices. *See 6:20-50.*
- b. Detecting a base game played on a gaming device. *See id.*
- c. Determining whether the base game is a bonus-qualifying game. *See id.*
- d. Creating an entry for each qualifying game authorized to participated in the shared bonus game. *See id.*

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Claims 6 and 74: Pease teaches tracking information from a player tracking system operably connected to the controller and gaming devices wherein the tracking information includes: a name of a player; current gaming activity; and past gaming activity,. *See col. 6:20-50.*

Claims 7, 75 and 76: Pease teaches tracking information of gaming activities includes number of games played and an amount wagered on each of the games played. *See id.*

Claim 8: Pease implicitly teaches providing a payback for a base game according to a game par sheet. More specifically, gaming regulations require that gaming devices paybacks according to a game par sheet which define the average hold.

Claim 9: Pease teaches a bonus qualifying game satisfying the requirement of initiating the base game using a minimum price. *See col. 1:40-50; 6:33-50.*

Claim 16: Pease teaches detecting various bonus triggers including detecting lapsing of a predetermined amount of time. *See fig. 2B, col. 1:41-52, 6:35-50.*

Claim 17: Pease teaches executing a bonus game including providing indicia of the shared bonus game, initiating the shared bonus game and determining the outcome of the shared bonus game. *See col. 5:54-67, 8:62-9:12.*

Claim 24: Pease teaches identifying one gaming device as having submitted a winning entry and electronically transferring the payout to the gaming device. *See fig. 8:25-28, 10:26-50.*

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Claim 84: Pease discloses a controller being configured to provide the bonus game with another, remotely located gaming system. *See fig. 1(165).*

Claims 85 and 86: Pease discloses communicating through a wide-area network or the Internet. *See fig. 1(106,165); col. 11:5-23.*

Claim 87: Pease discloses a controller configured to provide a shared bonus game with another gaming device that is distinct from the plurality of gaming devices and in remote locations. *See fig. 1; col. 1:55-2:35.*

Claims 88 and 89: Pease discloses communicating through a wide-area network or the Internet. *See fig. 1(106,165); col. 11:5-23.*

**Claims 34-36, 44-53, 56-58 and 64-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Olsen, U.S. Patent 6,217,448 B1 (Apr. 17, 2001).**

Olsen discloses a gaming system for providing bonus jackpot payoffs during a bonus mode time period in a system of linked gaming machines interconnected to a controller. *See abstract.* Eligible gaming machines are determined at the time the bonus time period starts. *See id.* Once the bonus mode time period starts, a portion of the eligible gaming machines are randomly selected for multiple jackpot bonus payoff opportunities. *See id.* Once gaming machines are selected they are allowed to complete the game they are currently involved in and should the play result in a winning combination, then the game payoff is multiplied by a bonus multiplier. *See id.* The underlying gaming machine is responsible, in a conventional fashion, for paying the game payoff and the controller then authorizes a further jackpot bonus payoff of the bonus multiplier less one times the game payoff. *See id.* The bonus pool value is then

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decremented by the amount paid by the controller. *See id.* This process repeats until the bonus mode multiplier opportunities for each bonus multiplier in each bonus round is completed or until the bonus pool value drops below zero. *See id.* As listed below, the claims are unpatentable because Pease anticipates every feature.

Claim 34: Olsen teaches the following features of the claims:

- a. Detecting a player's use of a gaming device in communication with a gaming system. *See col. See fig/ 4, 5; 6:24-34.*
- b. Detecting a current bonus round. *See id.*
- c. Detecting a triggering event indicating the start of a current bonus game. *See fig 9(950).*
- d. Querying of the player is eligible to participate in the current bonus game. *See fig. 9(965).*
- e. If player is eligible, including the entry n the current bonus entry pool. *See fig. 9(970)*
- f. Detection completion of the current bonus game. *See fig. 4, 5, 9(990).*
- g. Clearing the current entry pool. *See fig. 9(992); col. 6:13-25.* More specifically, Olsen requires that players be eligible at the start of each bonus round. It is implicit that the entry pool is cleared at the termination of the previous bonus round prior to determining eligibility for the next bonus round.

Claim 35: Olsen discloses detecting base game satisfying various conditions including initiating a base game using a maximum price. *See col. 16:18-45.*

Claim 36: Olsen discloses querying whether the player satisfies the condition of inserting a player tracking card into the gaming device. *See col. 15:62-16:5.*

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Claim 44: Olsen discloses querying whether the player is the winning player for the current bonus game and, if yes, electronically recording an award transferred to the player. *See fig. 9 (980,982).*

Claim 45: Olsen discloses defining the next bonus round as the current bonus round and repeating the method acts as recited in claim 34. *See fig. 9(990, 992).*

Claim 46: Olsen teaches the following features of the claims:

- a. Providing a first game to a player providing a first portion of a percentage payback to the player for wagering on the first game according to a first par sheet. *See fig. 4, 5, 10, 1, col. 3:65-4:32. 13:47-63.* More specifically, Olsen provides a percentage payback from the take of the casino in a base game.
- b. Providing a second game to the player and at least one other player having substantially the same rules as the first game and including random selection of a winning player from and providing a second portion of the percentage payback according to a second par sheet. *See id.* More specifically, the bonus game is played in conjunction with the base game and hence uses substantially the same rules. The bonus game provides a second percentage payout of the casinos take according to a second par sheet which is proportional to the first par sheet, but increased by a multiplier.

Claim 47: Olsen discloses a second par sheet that is substantially the same as the first par sheet. *See id.* As stated above, The bonus game provides a second par sheet which is proportional to the first par sheet, but increased by a multiplier.



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Claim 48: Olsen discloses providing a substantial part of the percentage payback from the second portion as compared to the first portion. *See fig. 8(810).*

Claim 49: Olsen discloses all the features of the claim including a random number generator for selecting symbols, a display exhibiting random game symbols, a first mode and a second, bonus mode controlled by an external controller. *See fig. 1-12; col. 3:65-4:32.*

Claim 50: Olsen discloses symbols for a base game determined by a microprocessor. *See id.*

Claims 51 and 52: Olsen discloses a first game indicator, a second game indicator for a bonus game. *See col. 18:20-20:31.*

Claim 53: Olsen discloses an additional indicator. *See id.*

Claim 56 and 57: Olsen discloses a gaming display for exhibiting two distinct segments including a first segment of a base game and a second segment of a bonus game in a first mode and a shared bonus game in a second mode. *See fig. 1, 9; col. 18:20-20:31.*

Claim 58: Olsen discloses an additional game segment. *See id.*

Claim 64: Olsen discloses memory configured to store game parameters and par sheets *See fig. 1, 1; col. 5:18-53..*

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Claim 65: Olsen disclose a communication device for communicating with an external controller. *See id.*

Claim 67: Olsen discloses a memory device; a par sheet stored in the memory device; a microprocessor electronically coupled to the memory device configured for executing a shared bonus round for a external gaming device and selecting at least one winner for the shared bonus game by randomly selecting a winning entry from a pool. *See fig. 1, 9, 13; col. 13:47-63.*

Claim 68: Olsen discloses storing shared bonus game parameters, a par sheet for the shared bonus game, an entry database and entry pool. *See fig. 1, 9, 13; col. 7:63-8:15, 13:47-63.*

Claim 69: Communicating over various communication systems including the Internet. *See col. 5:18-53.*

Claim 71: Using a random number generator to randomly select a random combination of indicia to determine the award amount for the bonus game. *See col. 11:3-25, 19:32-20:6.*

Claim 72: Using a random number generator to randomly select a winning entry. *See id.*

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10, 11 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pease in view of Walker et al., U.S. Patent 6,364,765 B1 (Apr. 2, 2002) ("Walker '765").**

Walker '765 discloses an analogous gaming system in which a server controls a secondary game of chance played at a client slot machine. *See abstract*. The server receives a player identifier corresponding to a player and a client identifier corresponding to a client slot machine. *See id*. The server retrieves registration data relating to a secondary game of chance corresponding to the player identifier and the client identifier. *See id*. The server further receives an outcome from the client slot machine and analyzes the outcome based on game requirements associated with the secondary game of chance, thereby determining whether the outcome satisfies at least one of the game requirements. *See id*. Once all of the game requirements have been satisfied, the server updates a session status indicating the completion of the game requirements. *See id*. The relevant features of Walker '765 with respect to the claims are discussed below.

Claim 10: Pease describes all the features of the claims except assigning a unique code to a bonus qualifying game, storing the code and corresponding entry information in a database within the controller. Regardless, it would be within the ordinary skill of an artisan at the time of the invention to create and store data files to associate game data with player data and to identify the each data file with a unique identifier for reference by the system. In particular, Walker '765 teaches assigning a unique code to a bonus qualifying game, storing the code and corresponding entry information in a database within the controller. *See fig. 6A-7; col. 8:55-10:39*. In view of Walker '765, it would have been obvious to an artisan at the time of the invention to modify Pease to add the feature of assigning a unique code to a bonus qualifying game, storing the code and corresponding entry information in a database within the controller. As shown in Walker, the modification would enhance the system by allowing the system to

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create and store data files associating bonus game data with player data, and to reference each data file by way of a unique identifier.

Claim 11: Walker '765 teaches generating a unique code at a gaming device, for example, from a player tracking card. *See col. 8:56-65*. Pease discloses authorizing a gaming device if a player-tracking card is inserted in a gaming device. *See 6:21-50*.

Claim 77: Walker teaches a player tracking system internal to the controller. *See fig. 4*.

**Claims 8, 18-20, 22, 23 and 78-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pease in view of Olsen.**

Claims 18 and 78: Pease discloses all the features of the claim except locating a primary bonus game indicator proximate to the gaming devices for providing indicia of the shared bonus game. Regardless, Olsen discloses an analogous gaming providing a shared bonus game wherein a primary bonus game indicator proximate to the gaming devices for providing indicia of the shared bonus game and secondary bonus game indicators on each gaming device provide indicia of the bonus game. *See fig. 1(20c, 70); col. 5:54-6:8, 8:26-9:39*. In view of Olsen, it would have been obvious to an artisan at the time of the invention to modify Pease to add the feature of locating a primary bonus game indicator proximate to the gaming devices for providing indicia of the shared bonus game to display game indicia viewable by onlookers and thereby attract more players to the gaming machines.

Claim 8: Olsen teaches providing a payback for a base game according to a game par sheet. More specifically, gaming regulations require that gaming devices paybacks according to a game par sheet which define the average hold. *See id.*

Claims 19, 81: Olsen discloses exhibiting progress of the bonus game. *See id.*

Claims 20: Olsen discloses locating the primary game indicator so as to be audible and visible from the gaming devices. *See id.*

Claim 79: Olsen discloses gaming devices detectable substantially from any one of the gaming devices. *See fig. 1.*

Claims 22 and 23: Olsen suggests randomly selecting the bonus game payout consistent with the base game par sheet used for base games played on the gaming devices. *See col. 13:46-63.*

Claim 82: Olsen discloses secondary bonus game indicators located on each of the gaming devices configured to provide indicia of the shared bonus game to each participant. *See fig. 1.*

Claim 83: Olsen discloses indicia of the shared bonus game including an indication of participation in the bonus game. *See col. 19:7-17.*

**Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pease in view of Cannon, U.S. Pat. App. Pub. 2002/0177483 A1 (Nov. 28, 2002).**

Pease discloses all the features of the claim except sending a prompt to the player to initiate the shared bonus round after providing the bonus round trigger and receiving an input from a player activating the shared bonus game. Regardless, Cannon teaches an analogous gaming device having this

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feature. *See fig. 4; ¶¶ 73-80.* In view of Cannon, it would have been obvious to an artisan at the time of the invention to modify Pease to add the feature prompting players to initiate the shared bonus round after providing the bonus round trigger and receiving an input from a player activating the shared bonus game. As taught by Cannon, the feature would enhance the bonus game by allowing players to defer participation for a later event and thus enhance the players wagering opportunity. *See ¶ 76.*

**Claims 25-33, 66 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Walker '765 .**

Claim 25: Olsen teaches the following features:

- a. A controller and a plurality of gaming device in communication with the controller configured to provide a base game having a payback based on a base game par sheet. *See fig. 1-3; col. 13:57-63.*
- b. Placing a gaming device in a linked mode. *See fig. 4.*
- c. Playing at least on bonus-qualifying game on the gaming device according to the first payback. *See fig. 3.*
- d. Sharing a bonus game among at least one qualified participant. *See fig. 1.*
- e. Selecting at least one winner of the bonus game by randomly selecting a player from the collective bonus pool. *See fig. 11.*
- f. Providing at second payback to the selected winner of the bonus game. *See fig. 3.*

As listed above, Olsen teaches all the features of the claim except storing a unique identifier for each bonus-qualifying game and selecting the winner based on the unique identifier. Walker '765 teaches assigning a unique code to a bonus qualifying game, storing the code and corresponding entry information in a database within the controller. *See fig. 6A-7; col. 8:55-10:39.* In view of Walker '765, it would have

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been obvious to an artisan at the time of the invention to modify Olsen to add the feature of assigning a unique code to a bonus qualifying game, storing the code and corresponding entry information in a database within the controller. As shown in Walker, the modification would enhance the system by allowing the system to create and store data files associating bonus game data with player data, and to reference each data file by way of a unique identifier.

Claim 26: Olsen discloses playing a base game according to initiating the base game using a maximum price. *See col. 15:63-16:4.*

Claim 27: Olsen discloses inserting a player tracking card into a player tracking into the gaming device and playing a minimum number of base games. *See col. 6:24-34, 15:63-16:4.*

Claim 28: Olsen teaches that a bonus game has substantially the same rules of the base game. *See col. 19:46-48.* In particular, the success in the bonus game is dependent on succeeding according to the rules of the base game.

Claim 29: Olsen teaches displaying the bonus game on display devices located on the gaming devices. *See fig. 1.*

Claim 30: Olsen teaches the shared bonus game is executed according to different rules than the base game. *See fig. 4; col. 19:7-65.* In particular, the rules for winning in the bonus game, although relying on the base game, have different conditions for eligibility and success than the base game. Notably, Walker suggests that various bonus game may be used. *See col. 3:49-53.*

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Claim 31: Olsen teaches determining the amount for the payback in a manner that is substantially consistent with the base game par sheet. *See col. 13:51-63, 20:33-21:17.*

Claims 32 and 33: Olsen teaches determining an amount four the second payback in excess or the base game par sheet. In particular, by offering multipliers in the bonus game, the payback is proportional to the base game par sheet, yet pays out in excess of the base game par sheet.

Claim 66 and 70: Walker discloses a gaming device comprising a personal computer. *See col. 5:19-43.*

**Claims 54, 55 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Hedrick et al., U.S. Patent 6,368,216 B1 (Apr. 9, 2002).**

Claims 54 and 59: Olsen does not teach an additional indicator configured to display an image of a player using the gaming device. Hedrick teaches an analogous gaming device having an indicator configured to display an image of a player using the gaming device. *See col. 16:19-39.* In view of Hedrick, it would have been obvious to an artisan at the time of the invention to modify Olsen to add the feature of an additional indicator configured to display an image of a player using the gaming device. As suggested by Hedrick, the modification would enhance the system by allowing two way communication between players, enhance security, and displaying video content incorporating the player's image. *See id.*

Claims 55 and 60: Hedrick discloses additional indicators configured to exhibit an amount accumulated in the bonus pool. *See col. 1:43-67, 7:60-67.*



Claim 61: Hedrick discloses a camera selectively positioned to acquire and image of the player using the gaming device. *See col. 16:19-39.*

Claim 62: The gaming device suggested by Olsen in view of Hedrick does not disclose placing a camera behind a camera window. Regardless, is notoriously well known to placing a cameras behind a camera windows in point of sale devices such as automatic teller machines to prevent tampering of the camera, as well as to prevent dirt and grime from collecting on the camera lens. Hence, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by Olsen in view of Hedrick, wherein a camera is used to capture a player's image to add the feature of placing a camera behind a camera window to prevent tampering with the camera and to prevent dirt and grime from collecting on the camera lens.

Claim 63: The gaming device suggested by Olsen in view of Hedrick does not disclose controlling a camera by the external controller during the second mode. Regardless, in a system having more than one controller, it is a mere matter of design choice to select the location of processing. Hence, it would have been obvious to an artisan at the time of the invention to modify the gaming device suggested by Olsen in view of Hedrick, wherein the system employs an external controller in addition to a local controller, to add the feature of controlling the controlling a camera by the external controller during the second mode.

***Allowable Subject Matter***

Claims 12-15 and 37-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

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Claim 12 is allowable because the prior art does not teach or suggest, in combination with the other features, categorizing a unique code as authorized based on a determination that the unique code was generated on an authorized gaming device which satisfies the condition of having a minimum number of entries provided by the authorized gaming device during the collective bonus round, wherein having a minimum number of entries provided by the authorized gaming devices comprises a combination of generating current entries during the collective bonus round and introducing past entries generated a time prior to the collective bonus round. Claims 13-15 inherit allowability from claim 12.

Claim 37-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 37 is allowable because the prior art does not teach or suggest, in combination with the other features, distributing past entries registered to a player among a current entry pool, a next entry pool and a predefined number of subsequent entry pools according to a par sheet. Claims 38-43 inherit allowability from claim 37.

#### ***Prior Art, Not Relied On***

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: US 6,046,477 discloses a lottery game in which past entries are pooled with current entries for a chance to win a common jackpot.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are

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unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

s.a.



MARK SAGER  
PRIMARY EXAMINER